

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS ALVAREZ CHICAS, ALONSO
VILLATORO, MISAEAL ALEXANDER MARTINEZ
CASTRO, ANGEL MARTINEZ, EDWIN ULLOA
MOREIRA and MATEO UMANA individually and on
behalf of all others similarly situated,

Plaintiffs,

-against-

KELCO CONSTRUCTION, INC., KELCO
LANDSCAPING, INC., E.L.M. GENERAL
CONSTRUCTION CORP. D/B/A KELLY'S CREW,
JOHN KELLY and JOSEPH PROVENZANO,

Defendants.

Case No. 1:21-CV-09014
(PAE)(SDA)

**DECLARATION OF ROHAN GUTHRIE IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR
CONDITIONAL CERTIFICATION PURSUANT TO 29 U.S.C. § 216(b)**

I, Rohan Guthrie, pursuant to 28 U.S. C. § 1746, declare as follows:

1. I submit this declaration in support of Defendants' Opposition to Plaintiffs' Motion for Conditional Certification pursuant to 29 U.S.C. § 216(b). I am personally familiar with the facts set forth below and submit this declaration based on my personal knowledge.

2. I am a resident of Brooklyn, New York.

3. I currently work for Kelco Construction as a laborer. I have been working for Kelco Construction since approximately 2005.

4. As a laborer, I mainly do landscaping work, such as mulching, planting, trimming plants, and trenching.

5. I am a union member of Local 731 Laborers.

6. Kelco Construction did not require me to report to the Hauppauge facility prior to

the start of the workday. I visited the Hauppauge facility infrequently for social events and not to report to work.

7. I work for approximately eight (8) hours per day, five (5) times per week. I generally start work between the hours of 6:00 a.m. and 7:00 a.m.

8. I drove myself to worksites in my personal vehicle from my residence in Brooklyn. However, if the worksite is in the Bronx or Manhattan, I take public transportation.

9. I fully understand the contents of this declaration in English, my primary language.

10. This declaration was prepared by counsel for Defendants in the action based on an interview in which I voluntarily participated. I was advised that I could end the interview at any time. I have also been told by counsel for the Defendants that I should sign this declaration if I want to and if everything within it is true and correct to the best of my knowledge, information, and belief. I have been given a full opportunity to review this declaration carefully and freely and make any corrections and additions of any kind.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: January 24, 2023


Rohan Guthrie